

United States Bankruptcy Court
Western District of Michigan

In Re: Kathleen Reis, Debtor.

Case #: 09 – 10374- swd

David Galloway, Plaintiff,
v.

Chapter 7

Kathleen Ries, Defendant.

Adv. Proc. Number: 09-80509-swd

STIPULATION THAT DEBTOR'S OBLIGATION TO DAVID GALLOWAY IS A NON-DISCHARGEABLE DEBT AND ORDER OF JUDGMENT

NOW COME the parties hereto, Plaintiff David Galloway, by and through his attorney, Amber L. Stover, and Defendant Kathleen Ries, by and through her attorney S. Garrett Beck and hereby stipulate and agree as follows:

1. That the debt Defendant Kathleen Ries owes to Plaintiff David Galloway pursuant to a Consent Judgment entered in the 8th Circuit Court of Michigan dated February 20, 2009 is not a dischargeable debt in her Chapter 7 bankruptcy proceeding pursuant to 11 U.S.C.A. § 523(a)(2)(A). Archer v Warner (2003) 538 US 314; 123 S Ct 1462, citing to Brown v Felsen (1979) 442 US 127, 60 L ED 2d 767, 99 S Ct 2205.
2. That to date, Defendant Kathleen Ries owes Plaintiff David Galloway on the original judgment, including interest, \$14,934.78.
3. That Defendant Kathleen Ries owes Plaintiff David Galloway an additional \$500.00 in filing and attorneys' fees for his having to file this adversary proceeding.
4. That the total owed to Plaintiff David Galloway by Defendant Kathleen Ries is presently **\$15,437.78**, and a judgment shall be entered in that amount.

5. That pursuant to the original Consent Judgment, entered by the 8th Circuit Court, interest shall continue to accrue at the applicable statutory rate for money judgments on the unpaid balance until which time the judgment is completely satisfied.

Dated: 1-04-2010

Amber L. Stover

Amber L. Stover (P61509)
Attorney for David Galloway

Dated: _____

S. Garrett Beck (P27668)
Attorney for Kathleen Ries

Dated: 12/29/09

David Galloway

David Galloway, Plaintiff

Dated: _____

Kathleen Ries, Defendant

ORDER OF JUDGMENT

At a session of said Court, held in the United States
Bankruptcy Court, Western District of Michigan,
in the County of _____,
in the City of _____ State of Michigan
on the ____ day of _____, 2009.

PRESENT: HONORABLE _____

Upon review of the foregoing Stipulation of the parties and the Court being otherwise fully advised:

IT IS SO ORDERED that the debt owed to Plaintiff David Galloway by Defendant Kathleen Ries is not a debt which is dischargeable in a Chapter 7 proceeding.

IT IS FURTHER ORDERED that a Judgment in the amount of **\$15,437.78** is hereby entered against Defendant Kathleen Ries in favor of Plaintiff David Galloway, with interest to accrue at the applicable statutory rate for money judgments on the unpaid balance until which time the judgment is completely satisfied.

IT IS FURTHER ORDERED that upon entry of this Judgment in favor of Plaintiff David Galloway, the adversary proceeding filed on his behalf, case number 09-80509-swd, shall be considered resolved and thereby dismissed.

, United States Bankruptcy Court Judge